

**REMARKS**

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of December 20, 2006. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-125 were pending in the present application prior to the above amendment. In response to the Office Action, claims 52, 55, 59, 60, 61, 64, 69, 75, 77, 79, 81, 84, 113, and 115 have been amended. Therefore, claims 1-125 are still pending in the present application and are believed to be in proper condition for allowance.

Initially, the applicants acknowledge with appreciation, the Examiner's granting of a personal interview with the undersigned applicants' representative on March 29, 2007 during which the present invention and the prior art of record were discussed. As explained during the interview, one aspect of the present invention is directed to a system and method for determining price adjustment values for vehicle history attributes (such as air bag deployment, accident record, types of title records, etc.) based on actual sale transaction records and vehicle history records. The present embodiment of the present invention is directed to a particular system and method for determining what the price adjustment value is or should be. Thus, the present invention allows a particular vehicle with its own, unique, vehicle history, to be priced accurately since a price adjustment value is determined for the various types of vehicle history attributes. For example, if a particular vehicle has an air bag deployment in its vehicle history, its price value can be reduced by \$500 since such adjustment value has been determined in accordance with the present invention based on the actual sale transaction records and vehicle history records.

As described in the specification of the application, the price adjustment values are determined in one embodiment by determining whether the sale transaction of the

sale transaction records occurred with buyer's knowledge of the vehicle history attributes. In one embodiment, vehicle sale transaction is deemed to have occurred with knowledge of vehicle history attributes if there is a record of buyer's interaction establishing knowledge of the buyer, or there is indicia indicating likelihood of knowledge. The sales transaction records are classified based on buyer's knowledge (Known Class, Not Known Class, Uncertain Class). Average transaction price is determined for type of vehicle and various vehicle parameters (such as mileage, color, location, etc.) for the Known Class and Unknown Class sale transactions. The discrepancies between the average transaction prices are analyzed using multivariate analysis in one embodiment to determine the price adjustment values for each vehicle history attribute, i.e. the dollar amount each vehicle history attributes impacted the price of the vehicle.

Referring now to the Office Action, with respect to the Election/Restriction Requirement, the Examiner states that the "applicant nowhere asserts that the various embodiments are obvious variations over another, although applicant appears to agree that the inventions are not patentably distinct." The Examiner is correct that the applicant's prior response to the Election/Restriction nowhere asserts that the various embodiments are obvious variations. However, it is made of record that the applicant disagrees with the Examiner's interpretation of the request as the applicants somehow agreeing that the inventions are not patentably distinct. The applicant merely requested that the Examiner examine all of the identified inventions since, in the applicant's opinion, such examination would not be overly burdensome based on the same class and sub-class classifications identified. (See MPEP 803). Of course, the Examiner has also disagreed as to burdensomeness of examining the non-elected invention/species, and has now made his decision final.

Referring again to the Office Action, the Examiner objected to the filed Information Disclosure Statement since the list may not be incorporated into the application, but must be submitted in a separate paper. This objection is not

understood since the IDS was submitted on a separate paper and filing. The Examiner further requested publication date for each reference, noting that date printed is not sufficient. Unfortunately, the documents are primarily print outs of web pages, and the applicants do not know when these web pages were first placed on the web for public access. The submitted documents were provided in fulfillment of the applicants' disclosure requirements under 37 C.F.R. 1.56 which requires disclosure of "other information".

The Examiner further objected to the drawings for Figure 2 that refers to price adjustment database as 28, whereas paragraph [0059], the database is referred to as 38. It is noted that the error is a typographical error in paragraph [0059], and not in the drawings. Therefore, in view of the objection, paragraph [0059] has been amended above to correct this typographical error.

Referring again to the Office Action, claims 52-56, 58-59, 62, 63, 75-80, and 113-117 were rejected under 35 U.S.C. 102(b) based on Brown ("Just How Used is That Used Car?"), or Little ("Buying and selling a car online"). The applicants respectfully disagree. Initially, the applicant presumes that the Examiner intended to reject claims 60 and 61 as well since rejected claims 62 and 63 are ultimately dependent claim 61 which is dependent on claim 60.

As explained during the personal interview, the Brown reference merely discloses the use of Carfax's (assignee of the present application) services to view a vehicle history of particular vehicle which has a unique Vehicle Identification Number. The Little reference discloses use of online services for purchasing a car, and further notes that the website of Kelly Blue Book allows a user to specify the car's mileage and options, and generates a value assuming that the car is in excellent condition and has a clean title history. Little further discloses Edmund's website that offers trade-in and market pricing which adjusts prices for equipment and mileage. However, the particulars of how, or on what basis, the Edmund's website determines the price adjustment values is not disclosed or known in the art. In addition, such

adjustments are allowed merely for equipment and mileage, not for vehicle history attributes such as air bag deployment, accident record, types of title records, etc. which are described in the specification of the present application.

Correspondingly, independent claim 52 specifically recites a method for adjusting a price of a used vehicle including obtaining a plurality of transactional records relating to sale transactions of a plurality of vehicles, each transaction record including at least one of a date and a transaction price, and determining price adjustment values for vehicle history attributes based on vehicle datasets that include vehicle history attributes, and the transaction records.

The cited Brown and Little references fail to disclose, teach, or otherwise suggest these limitations at all. The portions of the Brown reference cited by the Examiner in support of the rejection are insufficient in that they merely disclose use of Carfax's services to check for the vehicles history, and that if a car with an odometer rollback is purchased, the dealer takes a loss due to the reduced value of the car. However, nowhere in the cited Brown or Little references, or other references of record, is there any teaching as to how to determine what the price adjustment value is or should be for a given vehicle history attribute.

In contrast, the presently claimed invention allows determination of what the price adjustment value is, or should be, based on plurality of transaction records (each including date and transaction price) and vehicle datasets (that include vehicle history attributes). The determined price adjustment values can be displayed as specifically recited in claim 53. Examiner asserted that Little somehow discloses such a display. However, it is noted that Figures C and G of Little show screen shots of a vehicle search screen that can be used to identify a particular vehicle, and an example retrieved Carfax report for the identified vehicle. Neither of these figures show the determined price adjustment values.

As also explained during the interview, one specific embodiment in determining the price adjustment value based on the vehicle history datasets and

transaction records includes determining which sale transaction occurred with or without buyer's knowledge of the vehicle history attributes, as recited in claims 58 and 59, or by classifying the transaction records based on buyer's knowledge of the vehicle history attributes as recited in claims 60-74. As explained in the specification regarding one embodiment of the present invention, the buyer's knowledge of the vehicle history may be actual or be inferred. Average transaction price is determined for type of vehicle and various vehicle parameters for the Known Class and Unknown Class sale transactions, and the discrepancies between the average transaction prices are analyzed to determine the price adjustment values for each vehicle history attribute (i.e. the dollar amount each vehicle history attributes impacted the price of the vehicle). Clearly, these limitations are not disclosed or even suggested by the prior art of record.

The above comments are deemed to apply to the rejected claims 62, 63, 75-80, and 113-117 as well. Therefore, in view of the above, the applicant respectfully contends that the rejection of claims 52-56, 58-59, 62, 63, 75-80, and 113-117 as being anticipated by the Brown and/or Little references is improper since these references do not "teach every aspect of the claimed invention" as required under 35 U.S.C. § 102. (See MPEP §§ 706.02 and 2131).

However, to expedite the prosecution of the present application, independent claims 52, 75 and 113 have been amended above to clarify that price adjustment values are calculated based on the vehicle history datasets and the transaction records. Clearly, the Brown and/or Little references and other references of record fail to disclose, teach, or suggest such numeric calculation of price adjustment values as now specifically recited in these independent claims. Therefore, the allowance of claims 52-56, 58-59, 62, 63, 75-80, and 113-117 is respectfully requested.

Referring again to the Office Action, claims 57, 60-61, 64-74, 81-92, and 118 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Little that were discussed above. However, this rejection is believed to be overcome in view of

the above arguments and amendments to the independent claims 52, 75, and 115. As explained above, neither Brown or Little reference teach, or otherwise suggest calculation of price adjustment values based on plurality of transaction records (each including date and transaction price) and vehicle datasets (that include vehicle history attributes). In addition, these references nowhere to teach or suggest classifying the plurality of transaction records based on buyer's knowledge of the vehicle history attributes as recited in claims 60-74, or performing of multivariate analysis to compute the price adjustment values as further recited in claims 70 and 71.

The Examiner merely summarily asserts that the claimed invention would have been obvious to one of ordinary skill in the art without identifying any basis except to state that "a buyer may thus rely on more specific aspects of a used vehicle prior to purchase and feel more comfortable with his purchase." The relevance of this supposed motivation is entirely unclear, and even when Brown and Little are combined in the manner suggested, they still fail to result in the present invention as claimed. The present invention provides specific price adjustment values for vehicle history attributes in the manner claimed. A single buyer would not be able to even calculate the value recited which requires analysis of plurality of transaction records and vehicle datasets as previously described. Thus, the applicants contend that there is absolutely no support for the Examiner's assertion of obviousness.

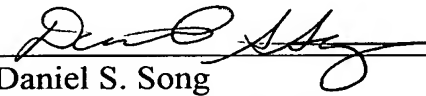
The above presented remarks are equally applicable to the rejected claims 81-92 and 118. Correspondingly, the withdrawal of this rejection and the allowance of claims 57, 60-61, 64-74, 81-92, and 118, are respectfully requested. To the extent that any of the rejections are maintained, the applicants request that the Examiner more clearly set forth how the cited references would render the rejected claims unobvious.

Finally, in the Conclusion of the Office Action, the Examiner noted that an issue of public use or on-sale activity is raised in the application, and has requested additional information regarding a screen shot of Carfax's website being active since at least December of 1988. As explained during the interview, Carfax has maintained

a website service that allows customers to retrieve vehicle history records for vehicles based on Vehicle Identification Numbers. However, calculation of price adjustment values for vehicle history attributes were not implemented on Carfax's website. In this regard, the features of the present invention have still has not been implemented on Carfax's website. In this regard, the present invention has not been in public use or sold under 35 U.S.C. 102(b).

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,

  
Daniel S. Song  
Registration No. 43,143

NIXON PEABODY LLP  
401 9th Street, N.W., Suite 900  
Washington, D.C. 20004-2128  
(202) 585-8000  
(202) 585-8080 (Fax)  
Customer No. 22204

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